

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

EAGLE HARBOR HOLDINGS, LLC, and
MEDIUSTECH, LLC

Plaintiffs,

v.

FORD MOTOR COMPANY,

Defendant.

CASE NO. C11-5503 BHS

ORDER GRANTING IN PART AND
DENYING IN PART DEFENDANT'S
MOTION FOR PROTECTIVE
ORDER

This matter comes before the Court on Defendant Ford Motor Company's ("Ford") motion for protective order (Dkt. 226). The Court has considered the pleadings filed in support of and in opposition to the motion and the remainder of the file and hereby grants in part and denies in part the motion for the reasons stated herein.

I. PROCEDURAL HISTORY

On September 13, 2013, Plaintiffs requested a deposition date for Ford Executive Vice President of Global Marketing, Sales and Service, James Farley. Although Ford produced some of Mr. Farley's emails and other responsive documents, Ford declined to produce Mr. Farley for a deposition. On February 14, 2014, Ford filed the instant motion seeking a protective order

1 preventing Plaintiffs from taking Mr. Farley's deposition. Dkt. 226. On February 26, 2014,
 2 Plaintiffs responded. Dkt. 236. On February 28, 2014, Ford replied. Dkt. 241.

3 II. DISCUSSION

4 Ford argues that Mr. Farley is an "apex" official and, as such, Plaintiffs have failed to
 5 show that Mr. Farley has unique personal knowledge of this case and that Plaintiffs can obtain
 6 their desired information through a less intrusive and burdensome means than a deposition.
 7 Even if the Court considered Mr. Farley to be an "apex" official, Plaintiffs have shown a need
 8 for his deposition. Mr. Farley's numerous public and private statements regarding the selling
 9 power of Ford's SYNC system show that Mr. Farley has relevant information regarding
 10 Plaintiffs' damages. *See* Dkt. 236 at 11–14. Moreover, the Court finds that a short deposition
 11 would not unduly burden Mr. Farley, especially considering the fact that Plaintiffs are seeking a
 12 permanent injunction against Ford's sale of the current SYNC system, which Mr. Farley has
 13 described as a "difference maker" for Ford's sales. The Court, however, will limit the deposition
 14 to half a day, or three and a half hours, because, although relevant, the information Plaintiffs seek
 15 appears to be limited only to the issue of damages. Therefore, the Court denies Ford's motion
 for a protective order.

16 III. ORDER

17 Therefore, it is hereby **ORDERED** that Ford's motion for a protective order (Dkt. 226) is
 18 **GRANTED in part** and **DENIED in part**.

19 Dated this 18th day of March, 2014.

20 

21 BENJAMIN H. SETTLE
 22 United States District Judge